

Jan 31, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

No. 4:21-CR-06042-MKD

Plaintiff,

VS.

**PROTECTIVE ORDER
REGULATING DISCLOSURE OF
DISCOVERY AND SENSITIVE
INFORMATION CONTAINED
THEREIN**

ECF Nos. 252, 253

ALI ABED YASER (01),
HUSSEIN A. YASER (02),
INSAF A. KARAWI (03),
HASANEIN A. YASER (04),
AHMAD K. BACHAY (05),
MASHAEL A. BACHAY (06),
MOHAMMED BAJAY (07),
HUSSAIN K. BACHAY (08),
NOOR TAHSEEN AL-MAAREJ (09),
ALI F. AL-HIMRANI (10),
RANA J. KAABAWI (11),
AMAR F. ABDUL-SALAM (12),
AMEER R. MOHAMMED (13),
MOHAMMED F. AL-HIMRANI (14),
MARIA ELENA SANCHEZ (15),
SEIFEDDINE AL-KINANI (16),
ABDULLAH AL-DULAIMI (17),
FIRAS S. HADI (18),
FAROOQ S. YASEEN (19),
KHALIL ABDUL-RAZAQ (20),
JESUS GEORGE SANCHEZ (21),
SINAN AKRAWI (22), and
MOHAMMED NAJI AL-JIBORY (23)

Defendants.

1 Before the Court are the United States' Unopposed Motion for Protective
2 Order, ECF No. 252, and related Motion to Expedite, ECF No. 253. The United
3 States asserts that the voluminous discovery in this case makes redaction of
4 sensitive documents impractical. The United States further asserts that redaction
5 of sensitive documents would burden defense counsel's ability to read and
6 understand the discovery materials. Accordingly, the United States moves the
7 Court for a protective order to properly protect the sensitive information contained
8 in the discovery materials in this case. Defendants do not object to the motion.
9 The Court, having reviewed the motions and the docket, is fully informed. This
10 Order supplements the previous Protective Order entered by the Court in this case,
11 ECF No. 176.

12 **IT IS ORDERED:**

13 1. The United States' Motion to Expedite (**ECF No. 253**), is

14 **GRANTED.**

15 2. The United States' Unopposed Motion for Protective Order (**ECF No.**

16 **252**) is **GRANTED.**

17 3. The United States is authorized to disclose Discovery in its possession

18 and personal information material (hereinafter "Discovery") in its possession

19 pursuant to the discovery obligations imposed by this Court.

1 4. Government personnel and counsel for Defendants shall not provide,
2 or make available, the Discovery to any person except as specified in this Order or
3 by approval from this Court. Therefore, defense counsel and the Government shall
4 restrict access to the Discovery, and shall only disclose the Discovery to their
5 client, office staff, investigators, independent paralegals, necessary third-party
6 vendors, consultants, and/or anticipated fact or expert witnesses to the extent that
7 defense counsel believes is necessary to assist in the defense of their client in this
8 matter or that the Government believes is necessary in the investigation and
9 prosecution of this matter.

10 5. Third parties contracted by the United States or defense counsel to
11 provide expert analysis or testimony may possess and inspect the Discovery, but
12 only as necessary to perform their case-related duties or responsibilities in this
13 matter. At all times, third parties shall be subject to the terms of this Order.

14 6. Discovery in this matter will be made available to defense counsel via
15 access to a case file on USA File Exchange and defense-provided external hard
16 drives due to the volume of material. If necessary, to review discovery with the
17 client, defense counsel may download the Discovery and duplicate only once.
18 Discovery materials may not be left in the possession of the Defendant. In order to
19 provide Discovery to a necessary third-party vendor, consultant, and/or anticipated
20 fact or expert witness, defense counsel may duplicate the Discovery only once. No

1 other copies shall be made, by defense counsel, the Defendant or the third-party,
2 without prior approval from this Court.

3 7. To the extent that defense counsel makes any portion of the Discovery
4 available in paper format to anyone, including his client, outside of counsel's
5 office, defense counsel shall ensure that any and all sensitive and confidential
6 information is redacted or removed.

7 8. All counsel of record in this matter, including counsel for the United
8 States, shall ensure that any party, including the Defendants, that obtains access to
9 the Discovery is provided a copy of this Order. No other party that obtains access
10 to or possession of the Discovery shall retain such access or possession unless
11 authorized by this Order, nor further disseminate the Discovery except as
12 authorized by this Order. Any other party that obtains access to, or possession of,
13 the Discovery shall promptly destroy or return the Discovery once access to or
14 possession of Discovery is no longer necessary. For purposes of this Order, "other
15 party" is any person other than counsel for the United States, counsel for
16 Defendants, or the Defendants.

17 9. All counsel of record, including counsel for the United States, shall
18 keep a list to identify each person to whom the Discovery is disclosed and who was
19 advised of the requirements of this Order. Neither counsel for each of the
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1 Defendants, nor the counsel for the United States, shall be required to disclose this
2 list of persons unless ordered to do so by the Court.

3 10. Upon entry of a final order of the Court in this matter and conclusion
4 of any direct appeals, government personnel and counsel for Defendant shall
5 retrieve and destroy all copies of the Discovery, except that counsel and
6 government personnel may maintain copies in their closed files following their
7 customary procedures.

8 11. Government personnel and counsel for Defendants shall promptly
9 report to the Court any known violations of this Order.

10 12. This Order shall apply to the United States and to all defense counsel
11 of record who represent a Defendant who has been arraigned in this matter at the
12 time of this Order. For any Defendant not yet arraigned, this Order shall apply to
13 such Defendant and that Defendant's counsel of record upon arraignment. If such
14 counsel object to this Order, they may bring their objection to the Court's attention
15 by motion.

16 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
17 Order and provide copies to all counsel, the U.S. Probation Office, and the U.S.
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1 Marshals Service.

2 DATED January 31, 2022.

3 *s/Mary K. Dimke*
4 MARY K. DIMKE
5 UNITED STATES DISTRICT JUDGE

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